

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ALVIN SHOWERS, III

PLAINTIFF

V.

CIVIL ACTION NO. 1:19-CV-323-TBM-RPM

CITY OF BAY ST. LOUIS et al

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [105] entered by United States Magistrate Judge Robert P. Myers, Jr. on September 7, 2021. Judge Myers recommends that Plaintiff's [98] Motion to Serve Remaining Defendants via Legal Notice in Local Newspapers be denied, and that Plaintiff's claims against Defendant Miles Moran be dismissed without prejudice based on Plaintiff's failure to obtain timely service of process. "A litigant's pro se status neither excuses his failure to effect service nor excuses him for lack of knowledge of the Rules of Civil Procedure" *Thrasher v. City of Amarillo*, 709 F.3d 509, 512 (5th Cir. 2013). The Court has granted Plaintiff two extensions to complete service of process. [74] [90]. Judge Myers concluded that Plaintiff failed to demonstrate good cause for granting another extension of the deadline to serve Defendant Miles Moran.

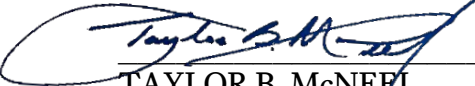
The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection expired on September 21, 2021. The Report notified the parties that failure to file written objections to the findings and recommendations contained in it by that date would bar *de novo* review. "When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for

plain error.” *Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (citing *Douglas v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers’ Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [105], entered by United States Magistrate Judge Robert P. Myers, Jr. on September 7, 2021, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff’s [98] Motion to Serve Remaining Defendants via Legal Notice in Local Newspapers be DENIED and that Plaintiff’s claims against Defendant Miles Moran be DISMISSED without prejudice based on Plaintiff’s failure to obtain timely service of process.

THIS, the 25th day of October, 2021.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE